UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ERIC McALPINE,

                          Plaintiff,

     -against-   9:02-CV-1081
                                                         (LEK/GJD)
THOMAS M. POOLE,

                          Defendant.

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DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on June 13,

2006, by the Honorable Gustave J. DiBianco, United States Magistrate Judge, pursuant to 28 U.S.C.

§ 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 22).

Within ten days, excluding weekends and holidays, after a party has been served with a copy

of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written

objections to the proposed findings and recommendations," Fed. R. Civ. P. 72(b), in compliance

with L.R. 72.1. In the interval of at least fifteen days since the Magistrate Judge filed the subject

Report-Recommendation, no objections to it have been raised. Furthermore, after examining the

record, the Court has determined that the Report-Recommendation is not subject to attack for plain

error or manifest injustice.[1]

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[1] The Court, however, notes two errors, which do not otherwise impact in a material manner
upon the Report-Recommendation. First, **Detectives Smola and Kluge** located the owner of the car
according to the Transcript at page 351, and not Detectives Quonce and Broton as stated in the
Report. See Report-Rec. (Dkt. No. 22) at 6. Second, the pin citation in Duncan v. Henry was
incorrectly cited as 513 U.S. 364, 36-66 (1995), while the correct citation is 513 U.S. 364, **365-66**
(1995). See Report-Rec. (Dkt. No. 22) at 11.
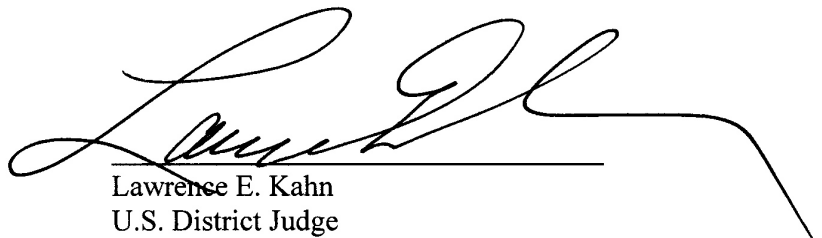
Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 22) is **APPROVED** and

ADOPTED in its **ENTIRETY**; and it is further

ORDERED, that Petitioner's Petition for writ of habeas corpus (Dkt. No. 1) is **DENIED**

and **DISMISSED**; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 29, 2006
                    Albany, New York

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Lawrence E. Kahn
U.S. District Judge